CERTIFIELD MAIL
RETURN RECIEPT REQUESTED
Article Number: 7014 1200 0000 6123 6346

Ms. Theresa Armbruster
Sac & Fox Truck Stop
1346 Highway 75
Powhattan, Kansas 66527

RE: Leaking Underground Storage Tank
Sac & Fox Truck Stop
1346 highway 75
Powhattan, Kansas 66527

Dear Ms. Armbruster:

It has come to the attention of the United States Environmental Protection Agency that there is a leaking underground storage tank system present at the above referenced facility. The purpose of this letter is to notify you that under federal law (40 CFR, Part 280) you have a legal responsibility to take certain actions to address this leaking system and cleanup resulting releases to the environment. These include the following:

- Report, investigate and confirm suspected releases (40 CFR, Parts 280.50 and 280.61). Associated reporting should be made to the USEPA via the contact.

  Douglas E. Drouare, CPG
  USEPA, Region 7
  11201 Renner Boulevard
  Lenexa, Kansas 66219
  (913) 551-7299
  drouare.douglas@epa.gov

- Take immediate action to prevent any further release and mitigate fire, explosion and vapor hazards (40 CFR Part 280.61)
- Report, investigate and confirm off site impacts caused by the release (40 CFR, Part 280.51).
- Investigate the integrity of the underground storage tank system and, if necessary, implement repairs (System Test - 40 CFR, Part 280.52).
- Measure for the presence of a release where contamination is most likely to be present (Site Check – 40 CFR, Parts 280.52 and 280.62)
- Immediately contain and cleanup any surface spills or overfills and provide reporting on the details of these efforts to the contact noted above (40 CFR, Part 280.53).
- Take all necessary initial abatement actions and report on those actions to the USEPA within 20 days of the date of release confirmation. The release was confirmed on July 23, 2015 so the initial abatement report would be due before the end of the day on August 12, 2015 (40 CFR, Part 280.62)

H:\AWMD\STOP\Correspondence (EBrown)\Drouare\2015\Sac Fox Truck Stop Initial LUST Notification letter 07/29/2015.docxe

Office	STOP	STOP
Name	Drouare	Stockdale
Initial/Date	DED 07-29-2015	MES 7-30-15

- Continue with efforts to remove free product to the maximum extent practicable (40 CFR, Part 280.64).
- If the aforementioned site characterization efforts have proven inadequate to verify the full extent and degree of impact, continue with site characterization efforts and report your efforts to the USEPA as you progress (40 CFR, Part 280.65).
- If necessary, design and implement a corrective action plan that will remediate/mitigate contaminants to appropriate levels/concentrations (40 CFR, Part 280.66).
- Notify the public and affected parties as warranted (40 CFR, Part 280.67).

Please compile and retain records for all actions taken to address the leaking underground storage tank system and the resulting release to the environment as they will be important components of the site closure process.

As the site of the release lies within the external boundaries of the Kickapoo reservation, the USEPA will be the regulatory agency exercising jurisdiction over the cleanup. The USEPA has not adopted any specific abatement, characterization or remediation protocols or criteria. However, the four states within our region (including Kansas) do have such protocols and criteria and we recognize them as appropriate for characterizing and closing leaking underground storage tanks. We would suggest that you consider using the Kansas protocols/criteria and contract with a consultant experienced in utilizing them who can help you move the site to closure.

Until the release situation stabilizes, we request that you provide weekly updates to the USEPA via phone call or electronic mail. Direct communications to Mr. Drouare via the contact information provided above. We request that you update the USEPA on the current status of your tank systems by completing the attached "Notification for Underground Storage Tanks" to the best of your ability and returning it to our offices via electronic or standard mail to Mr. Drouare.

Sincerely,

Margaret E. Stockdale
Chief
Storage Tanks and Oil Pollution Branch
Air and Waste Management Division

Enclosures: Notification for Underground Storage Tanks (EPA Form 7530-1)

cc: Mr. Mark Junker, Sac & Fox Nation of Missouri in Nebraska and Kansas
Mr. Jim Jensen, Sac & Fox Nation of Missouri in Nebraska and Kansas
Mr. Viswatej Attili, Kickapoo Tribe in Kansas

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

JUL 3 0 2015

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- Report, investigate and confirm suspected releases (40 CFR, Parts 280.50 and 280.61). Associated reporting should be made to the USEPA via the contact.

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- Immediately contain and cleanup any surface spills or overfills and provide reporting on the details of these efforts to the contact noted above (40 CFR, Part 280.53).

- Take all necessary initial abatement actions and report on those actions to the USEPA within 20 days of the date of release confirmation. The release was confirmed on July 23, 2015 so the initial abatement report would be due before the end of the day on August 12, 2015 (40 CFR, Part 280.62)

- Take site characterization actions at the site that will verify the extent and degree of impact. Site characterization efforts should be reported to the USEPA within 45 days of the date of release confirmation. The release was confirmed on July 23, 2015 so the site characterization report would be due before the end of the day on September 6, 2015 (40 CFR, Part 280.63).
- Continue with efforts to remove free product to the maximum extent practicable (40 CFR, Part 280.64).
- If the aforementioned site characterization efforts have proven inadequate to verify the full extent and degree of impact, continue with site characterization efforts and report your efforts to the USEPA as you progress (40 CFR, Part 280.65).
- If necessary, design and implement a corrective action plan that will remediate/mitigate contaminants to appropriate levels/concentrations (40 CFR, Part 280.66).
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Mr. Viswatej Attili, Kickapoo Tribe in Kansas

Appendix I to Part 280

EPA

United States
Environmental Protection Agency
Washington, DC 20460

Approval expires xx/xx/xx
OMB No.2050-0068

Notification for Underground Storage Tanks

Implementing Agency Name And Address:

IMPLEMENTING AGENCY USE ONLY

ID NUMBER:

DATE RECEIVED:

DATE ENTERED INTO COMPUTER:

DATA ENTRY CLERK INITIALS:

OWNER WAS CONTACTED TO CLARIFY RESPONSES, COMMENTS:

TYPE OF NOTIFICATION

☐ A. NEW FACILITY OR ONE-TIME NOTIFICATION (previously deferred system)

☐ B. AMENDED

☐ C. CLOSURE OR CHANGE-IN-SERVICE

_____ Number of tanks at facility

_____ Number of continuation sheets attached

INSTRUCTIONS AND GENERAL INFORMATION

Please **type or print in ink**. Also, be sure you have signatures in ink for sections VIII and XI. Complete a notification form for each location containing underground storage tanks. If more than 5 tanks are owned at this location, you may photocopy pages 3 through 6 and use them for additional tanks.

The primary purpose of this notification form is to provide information about the installation, existence, changes to, and closure of underground storage tank systems (USTs) that store or have stored petroleum or hazardous substances. The information you provide will be based on reasonably available records, or in the absence of such records, your knowledge or recollection.

Federal law requires UST owners to use this notification form for all USTs storing regulated substances that are brought into use after May 8, 1986, or USTs in the ground as of May 8, 1986 that have stored regulated substances at any time since January 1, 1974. The information requested is required by Section 9002 of the Solid Waste Disposal Act (SWDA), as amended.

Who Must Notify? 40 CFR part 280, as amended, requires owners of USTs that store regulated substances (unless exempted) to notify implementing agencies of the existence of their USTs. Owner is defined as:

- In the case of an UST in use on November 8, 1984, or brought into use after that date, any person who owns an UST used for storage, use, or dispensing of regulated substances; or
- In the case of an UST in use before November 8, 1984, but no longer in use on that date, any person who owned the UST immediately before its discontinuation.

Also, owners of previously deferred UST systems with field-constructed tanks and airport hydrant fuel distribution systems in the ground as of [DATE OF REG.] must submit a one-time notification of existence by [ENTER DATE three years after DATE REG.]. Owners of UST systems with field-constructed tanks and airport hydrant fuel distribution systems brought into use after [DATE REG.] are considered new facilities and must follow the same notification requirements as all other UST owners.

What USTs Are Included? An UST system is defined as any one or combination of tanks that is used to contain an accumulation of regulated substances, and whose volume (including connected underground piping) is 10 percent or more beneath the ground. Regulated USTs store petroleum or hazardous substances (see **What Substances Are Covered** below). This includes UST systems with field-constructed tanks and airport hydrant fuel distribution systems.

What Tanks Are Excluded From Notification (see § 280.10 and § 280.12)?

- Tanks removed from the ground before May 8, 1986;
- Farm or residential tanks of 1,100 gallons or less capacity storing motor fuel for noncommercial purposes;
- Tanks storing heating oil for use on the premises where stored;
- Septic tanks;
- Certain pipeline facilities regulated under chapters 601 and 603 of Title 49;
- Surface impoundments, pits, ponds, or lagoons;
- Storm water or wastewater collection systems;
- Flow-through process tanks;
- Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
- Tanks on or above the floor of underground areas, such as basements or tunnels;
- Tanks with a capacity of 110 gallons or less;
- Wastewater treatment tank systems;
- UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954;
- UST systems that are part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR part 50.

What Substances Are Covered? The notification requirements apply to USTs containing petroleum or certain hazardous substances. Petroleum includes gasoline, used oil, diesel fuel, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). Hazardous substances are those found in Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, with the exception of those substances regulated as hazardous waste under Subtitle C of the Resource Conservation and Recovery Act.

When And Who To Notify? Owners who bring USTs into use after May 8, 1986 must submit this notification form to the implementing agency within 30 days of bringing the UST into use. If the implementing agency requires notification of any amendments to the facility, send information to the implementing agency immediately.

Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed $16,000 for each tank for which notification is not given or for which false information is given.

I. OWNERSHIP OF USTs

Owner Name (Corporation, Individual, Public Agency, Or Other Entity)

Street Address

County

City	State	Zip Code

Phone Number (Include Area Code)

II. LOCATION OF USTs

If required by implementing agency, give the geographic location of USTs either in decimal degrees, or degrees, minutes, and seconds. Example: Latitude: 36.123480 (or 36° 7' 24.4"), Longitude: -106.549876 (or -106° 32' 59.6")

Latitude Longitude

Facility Name Or Company Site Identifier, As Applicable

☐ If address is the same as in Section I, check the box and proceed to section III.
If address is different, enter address below:

Street Address

County

City	State	Zip Code

United States
Environmental Protection Agency
Washington, DC 20460

Approval expires xx/xx/xx
OMB No.2050-0068

Notification For Underground Storage Tanks

III. TYPE OF OWNER

- ☐ Federal Government
- ☐ State Government
- ☐ Commercial
- ☐ Tribal Government
- ☐ Local Government
- ☐ Private

IV. INDIAN COUNTRY

☐ USTs are located on land within an Indian reservation or on trust lands outside reservation boundaries

Federally recognized tribe where USTs are located:

V. TYPE OF FACILITY

- ☐ Auto Dealership
- ☐ Commercial Airport Or Airline
- ☐ Contractor
- ☐ Farm
- ☐ Federal – Non-military
- ☐ Federal – Military
- ☐ Gas Station
- ☐ Industrial
- ☐ Petroleum Distributor
- ☐ Railroad
- ☐ Residential
- ☐ Trucking Or Transport
- ☐ Utilities
- ☐ Other (Explain) _____

VI. CONTACT PERSON IN CHARGE OF TANKS

Name:	Job Title:	Address:	Phone Number (Include Area Code):

VII. FINANCIAL RESPONSIBILITY

☐ I have met the financial responsibility requirements (in accordance with 40 CFR part 280 Subpart H) by using the following mechanisms:

(check all that apply)

- ☐ Bond Rating Test
- ☐ Commercial Insurance
- ☐ Guarantee
- ☐ Letter Of Credit
- ☐ Local Government Financial Test
- ☐ Risk Retention Group
- ☐ Self-insurance (Financial Test)
- ☐ State Fund
- ☐ Surety Bond
- ☐ Trust Fund
- ☐ Other Method (describe here) _____

☐ I do not have to meet financial responsibility requirements because 40 CFR part 280 Subpart H is not applicable to me (e.g., if you are a state or federal owner).

VIII. CERTIFICATION (Read and sign after completing ALL SECTIONS of this notification form)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in Sections I through XI of this notification form and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner or owner's authorized representative (Print)	Signature	Date Signed

Paperwork Reduction Act Notice
The public reporting and recordkeeping burden for this collection of information is estimated to average 30 minutes per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

EPA	United States **Environmental Protection Agency** Washington, DC 20460	Approval expires xx/xx/xx OMB No.2050-0068

Notification For Underground Storage Tanks

IX. DESCRIPTION OF UNDERGROUND STORAGE TANKS (Complete for all tanks and piping at this location)

Tank Identification Number	Tank No.	Tank No.	Tank No.	Tank No.	Tank No.
1. Status Of Tank (check only one)					
Currently In Use	☐	☐	☐	☐	☐
Temporarily Closed	☐	☐	☐	☐	☐
Permanently Closed	☐	☐	☐	☐	☐
2. Date Of Installation (month/year)					
3. Estimated Total Capacity (gallons)					
4. Tank Attributes (check all that apply)					
Asphalt Coated Or Bare Steel	☐	☐	☐	☐	☐
Cathodically Protected Steel (impressed current)	☐	☐	☐	☐	☐
Cathodically Protected Steel (sacrificial anodes)	☐	☐	☐	☐	☐
Coated and Cathodically Protected Steel (impressed current)	☐	☐	☐	☐	☐
Coated and Cathodically Protected Steel (sacrificial anodes)	☐	☐	☐	☐	☐
Composite (steel clad with noncorrodible material)	☐	☐	☐	☐	☐
Concrete	☐	☐	☐	☐	☐
Fiberglass Reinforced Plastic	☐	☐	☐	☐	☐
Noncorrodible Tank Jacket	☐	☐	☐	☐	☐
Lined Interior	☐	☐	☐	☐	☐
Excavation Liner	☐	☐	☐	☐	☐
Double Walled	☐	☐	☐	☐	☐
Manifolded	☐	☐	☐	☐	☐
Compartmentalized	☐	☐	☐	☐	☐
Field-constructed	☐	☐	☐	☐	☐
Double Walled	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other, Specify Here	_____	_____	_____	_____	_____
Check Box If Tank Has Ever Been Repaired	☐	☐	☐	☐	☐
5. Overfill Protection Installed (check all that apply)					
Automatic Shutoff	☐	☐	☐	☐	☐
Flow Restrictor	☐	☐	☐	☐	☐
High-level Alarm	☐	☐	☐	☐	☐
Other, Specify Here	_____	_____	_____	_____	_____
6. Spill Prevention Installed	☐	☐	☐	☐	☐
Double Walled	☐	☐	☐	☐	☐

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Notification For Underground Storage Tanks

Tank Identification Number	Tank No.	Tank No.	Tank No.	Tank No.	Tank No.
7. Piping Attributes (check all that apply)					
Bare Steel	☐	☐	☐	☐	☐
Galvanized Steel	☐	☐	☐	☐	☐
Fiberglass Reinforced Plastic	☐	☐	☐	☐	☐
Flexible Plastic	☐	☐	☐	☐	☐
Copper	☐	☐	☐	☐	☐
Cathodically Protected (impressed current)	☐	☐	☐	☐	☐
Cathodically Protected (sacrificial anodes)	☐	☐	☐	☐	☐
Double Walled	☐	☐	☐	☐	☐
Secondary Containment	☐	☐	☐	☐	☐
Airport Hydrant Piping	☐	☐	☐	☐	☐
Unknown	☐	☐	☐	☐	☐
Other, Specify Here	_____	_____	_____	_____	_____
8. Piping Delivery Type (check all that apply)					
Safe Suction (no valve at tank)	☐	☐	☐	☐	☐
U.S. Suction (valve at tank)	☐	☐	☐	☐	☐
Pressure	☐	☐	☐	☐	☐
Gravity Feed	☐	☐	☐	☐	☐
9. Substance Currently Stored (or last stored in the case of closed tanks) (check all that apply)					
Gasoline (containing ≤ 10% ethanol)	☐	☐	☐	☐	☐
Diesel	☐	☐	☐	☐	☐
Biodiesel	☐	☐	☐	☐	☐
Kerosene	☐	☐	☐	☐	☐
Heating Oil	☐	☐	☐	☐	☐
Used Oil	☐	☐	☐	☐	☐
Gasoline Containing >10% Ethanol (specify amount of ethanol)	_____	_____	_____	_____	_____
Diesel Containing >20% Biodiesel (specify amount of biodiesel)	_____	_____	_____	_____	_____
Other, specify here	_____	_____	_____	_____	_____
Hazardous Substance	☐	☐	☐	☐	☐
CERCLA Name Or CAS Number	_____	_____	_____	_____	_____
Mixture Of Substances	☐	☐	☐	☐	☐
Please Specify Substances Here	_____	_____	_____	_____	_____

United States
Environmental Protection Agency
Washington, DC 20460

Approval expires xx/xx/xx
OMB No.2050-0068

Notification For Underground Storage Tanks

Tank Identification Number	Tank No.		Tank No.		Tank No.		Tank No.		Tank No.	
10. Release Detection (check all that apply)	TANK	PIPE	TANK	PIPE	TANK	PIPE	TANK	PIPE	TANK	PIPE
Manual Tank Gauging	☐		☐		☐		☐		☐	
Tank Tightness Testing	☐		☐		☐		☐		☐	
Inventory Control	☐		☐		☐		☐		☐	
Automatic Tank Gauging	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Vapor Monitoring	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Groundwater Monitoring	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Interstitial Monitoring (required for new or replaced tanks or piping)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Statistical Inventory Reconciliation	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Automatic Line Leak Detectors		☐		☐		☐		☐		☐
Line Tightness Testing		☐		☐		☐		☐		☐
No Release Detection Required (such as some types of suction piping)	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Other Method Allowed By Implementing Agency	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Other, Specify Here	_____		_____		_____		_____		_____	

X. CLOSURE OR CHANGE IN SERVICE

1. Closure Or Change In Service					
Estimated Date The UST Was Last Used For Storing Regulated Substances (month/day/year)	_____	_____	_____	_____	_____
Check Box If This Is A Change In Service (i.e., Change of storage to a non-regulated substance)	☐	☐	☐	☐	☐
2. Tank Closure					
Estimated Date Tank Closed (month/day/year)	_____	_____	_____	_____	_____
(check all that apply below)					
Tank Removed From Ground	☐	☐	☐	☐	☐
Tank Closed In Ground	☐	☐	☐	☐	☐
Tank Filled With Inert Material	☐	☐	☐	☐	☐
Describe The Inert Fill Material Here	_____	_____	_____	_____	_____
3. Site Assessment					
Check Box If The Site Assessment Was Completed	☐	☐	☐	☐	☐
Check Box If Evidence Of A Release Was Detected	☐	☐	☐	☐	☐
Other, Specify Here	_____	_____	_____	_____	_____

EPA	United States **Environmental Protection Agency** Washington, DC 20460	Approval expires xx/xx/xx OMB No.2050-0068

Notification For Underground Storage Tanks

Tank Identification Number	Tank No.	Tank No.	Tank No.	Tank No.	Tank No.
XI. CERTIFICATION OF INSTALLATION (Complete For UST Systems Installed After December 22, 1988 And For Airport Hydrant Distribution Systems And Field-Constructed USTs Installed After [DATE OF REG])					
Installer Of Tank And Piping (check all that apply)					
Installer Certified By Tank And Piping Manufacturers	☐	☐	☐	☐	☐
Installer Certified Or Licensed By The Implementing Agency	☐	☐	☐	☐	☐
Installation Inspected By A Registered Engineer	☐	☐	☐	☐	☐
Installation Inspected And Approved By Implementing Agency	☐	☐	☐	☐	☐
Manufacturer's Installation Checklists Have Been Completed	☐	☐	☐	☐	☐
Another Method Allowed By Implementing Agency	☐	☐	☐	☐	☐
Specify Other Method Here	_____	_____	_____	_____	_____

Signature Of UST Installer Certifying Proper Installation Of UST System

_____ Name

_____ Signature

_____ Date

_____ Position

_____ Company

ROUTING AND TRANSMITTAL SLIP	Date: 7/29/15

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Drouare AWMD/CRIB	DED	07/29/2015
2. Margaret Stockdale AWMD/CRIB	MES	7/30/15
3.		
4.		
5.		

	Action		File		Note and Return
X	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate	X	Signature
	Coordination		Justify		

REMARKS

Sac Fox Truck Stop Initial LUST Notification letter.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions.

FROM: (Name, org. symbol, Agency/Post)	Room No. – Building
Evon Brown	2.3 S-28
	Phone No. x7545

(1) Report a quantitative result with a calculated leak rate;

(2) Be capable of detecting a leak rate of 0.2 gallon per hour or a release of 150 gallons within 30 days; and

(3) Use a threshold that does not exceed one-half the minimum detectible leak rate.

(i) *Other methods.* Any other type of release detection method, or combination of methods, can be used if:

(1) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or

(2) The implementing agency may approve another method if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in paragraphs (c) through (h) of this section. In comparing methods, the implementing agency shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator must comply with any conditions imposed by the implementing agency on its use to ensure the protection of human health and the environment.

§ 280.44 Methods of release detection for piping.

Each method of release detection for piping used to meet the requirements of § 280.41 must be conducted in accordance with the following:

(a) *Automatic line leak detectors.* Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the leak detector must be conducted in accordance with § 280.40(a)(3).

(b) *Line tightness testing.* A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

(c) *Applicable tank methods.* Except as described in § 280.41(a), any of the methods in § 280.43(e) through (i) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

§ 280.45 Release detection recordkeeping.

All UST system owners and operators must maintain records in accordance with § 280.34 demonstrating compliance with all applicable requirements of this subpart. These records must include the following:

(a) All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, must be maintained for 5 years, or for another reasonable period of time determined by the implementing agency, from the date of installation. Not later than October 13, 2018, records of site assessments required under § 280.43(e)(6) and (f)(7) must be maintained for as long as the methods are used. Records of site assessments developed after October 13, 2015 must be signed by a professional engineer or professional geologist, or equivalent licensed professional with experience in environmental engineering, hydrogeology, or other relevant technical discipline acceptable to the implementing agency;

(b) The results of any sampling, testing, or monitoring must be maintained for at least one year, or for another reasonable period of time determined by the implementing agency, except as follows:

(1) The results of annual operation tests conducted in accordance with § 280.40(a)(3) must be maintained for three years. At a minimum, the results must list each component tested, indicate whether each component tested meets criteria in § 280.40(a)(3) or needs to have action taken, and describe any action taken to correct an issue; and

(2) The results of tank tightness testing conducted in accordance with § 280.43(c) must be retained until the next test is conducted; and

(3) The results of tank tightness testing, line tightness testing, and vapor monitoring using a tracer compound placed in the tank system conducted in accordance with § 280.252(d) must be retained until the next test is conducted; and

(c) Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site must be maintained for at least one year after the servicing work is completed, or for another reasonable time period determined by the implementing agency. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for five years from the date of installation.

Subpart E—Release Reporting, Investigation, and Confirmation

§ 280.50 Reporting of suspected releases.

Owners and operators of UST systems must report to the implementing agency within 24 hours, or another reasonable period specified by the implementing agency, and follow the procedures in § 280.52 for any of the following conditions:

(a) The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface water).

(b) Unusual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UST system, an unexplained presence of water in the tank, or liquid in the interstitial space of secondarily contained systems), unless:

(1) The system equipment or component is found not to be releasing regulated substances to the environment;

(2) Any defective system equipment or component is immediately repaired or replaced; and

(3) For secondarily contained systems, except as provided for in § 280.43(g)(2)(iv), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed.

(c) Monitoring results, including investigation of an alarm, from a release detection method required under §§ 280.41 and 280.42 that indicate a release may have occurred unless:

(1) The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result;

(2) The leak is contained in the secondary containment and:

(i) Except as provided for in § 280.43(g)(2)(iv), any liquid in the interstitial space not used as part of the interstitial monitoring method (for example, brine filled) is immediately removed; and

(ii) Any defective system equipment or component is immediately repaired or replaced;

(3) In the case of inventory control described in § 280.43(a), a second month of data does not confirm the initial result or the investigation determines no release has occurred; or

(4) The alarm was investigated and determined to be a non-release event

(for example, from a power surge or caused by filling the tank during release detection testing).

§ 280.51 Investigation due to off-site impacts.

When required by the implementing agency, owners and operators of UST systems must follow the procedures in § 280.52 to determine if the UST system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines, and nearby surface and drinking waters) that has been observed by the implementing agency or brought to its attention by another party.

§ 280.52 Release investigation and confirmation steps.

Unless corrective action is initiated in accordance with subpart F, owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under § 280.50 within 7 days, or another reasonable time period specified by the implementing agency, using either the following steps or another procedure approved by the implementing agency:

(a) *System test.* Owners and operators must conduct tests (according to the requirements for tightness testing in §§ 280.43(c) and 280.44(b) or, as appropriate, secondary containment testing described in § 280.33(d)).

(1) The test must determine whether:

(i) A leak exists in that portion of the tank that routinely contains product, or the attached delivery piping; or

(ii) A breach of either wall of the secondary containment has occurred.

(2) If the system test confirms a leak into the interstice or a release, owners and operators must repair, replace, upgrade, or close the UST system. In addition, owners and operators must begin corrective action in accordance with subpart F of this part if the test results for the system, tank, or delivery piping indicate that a release exists.

(3) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a release exists and if environmental contamination is not the basis for suspecting a release.

(4) Owners and operators must conduct a site check as described in paragraph (b) of this section if the test results for the system, tank, and delivery piping do not indicate that a release exists but environmental contamination is the basis for suspecting a release.

(b) *Site check.* Owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release.

(1) If the test results for the excavation zone or the UST site indicate that a release has occurred, owners and operators must begin corrective action in accordance with subpart F of this part;

(2) If the test results for the excavation zone or the UST site do not indicate that a release has occurred, further investigation is not required.

§ 280.53 Reporting and cleanup of spills and overfills.

(a) Owners and operators of UST systems must contain and immediately clean up a spill or overfill and report to the implementing agency within 24 hours, or another reasonable time period specified by the implementing agency, and begin corrective action in accordance with subpart F of this part in the following cases:

(1) Spill or overfill of petroleum that results in a release to the environment that exceeds 25 gallons or another reasonable amount specified by the implementing agency, or that causes a sheen on nearby surface water; and

(2) Spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under CERCLA (40 CFR part 302).

Note to paragraph (a). Pursuant to §§ 302.6 and 355.40 of this chapter, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center under sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and to appropriate state and local authorities under Title III of the Superfund Amendments and Reauthorization Act of 1986.

(b) Owners and operators of UST systems must contain and immediately clean up a spill or overfill of petroleum that is less than 25 gallons or another reasonable amount specified by the implementing agency, and a spill or overfill of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, or another reasonable time period established by the implementing agency, owners and operators must immediately notify the implementing agency.

Subpart F—Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

§ 280.60 General.

Owners and operators of petroleum or hazardous substance UST systems must, in response to a confirmed release from the UST system, comply with the requirements of this subpart except for USTs excluded under § 280.10(b) and UST systems subject to RCRA Subtitle C corrective action requirements under section 3004(u) of the Resource Conservation and Recovery Act, as amended.

§ 280.61 Initial response.

Upon confirmation of a release in accordance with § 280.52 or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release or within another reasonable period of time determined by the implementing agency:

(a) Report the release to the implementing agency (*e.g.*, by telephone or electronic mail);

(b) Take immediate action to prevent any further release of the regulated substance into the environment; and

(c) Identify and mitigate fire, explosion, and vapor hazards.

§ 280.62 Initial abatement measures and site check.

(a) Unless directed to do otherwise by the implementing agency, owners and operators must perform the following abatement measures:

(1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment;

(2) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the released substance into surrounding soils and groundwater;

(3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements);

(4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with applicable state and local requirements;

(5) Measure for the presence of a release where contamination is most

likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check required by § 280.52(b) or the closure site assessment of § 280.72(a). In selecting sample types, sample locations, and measurement methods, the owner and operator must consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

(6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with § 280.64.

(b) Within 20 days after release confirmation, or within another reasonable period of time determined by the implementing agency, owners and operators must submit a report to the implementing agency summarizing the initial abatement steps taken under paragraph (a) of this section and any resulting information or data.

§ 280.63 Initial site characterization.

(a) Unless directed to do otherwise by the implementing agency, owners and operators must assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in §§ 280.60 and 280.61. This information must include, but is not necessarily limited to the following:

(1) Data on the nature and estimated quantity of release;

(2) Data from available sources and/or site investigations concerning the following factors: Surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use;

(3) Results of the site check required under § 280.62(a)(5); and

(4) Results of the free product investigations required under § 280.62(a)(6), to be used by owners and operators to determine whether free product must be recovered under § 280.64.

(b) Within 45 days of release confirmation or another reasonable period of time determined by the implementing agency, owners and operators must submit the information collected in compliance with paragraph (a) of this section to the implementing agency in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the implementing agency.

§ 280.64 Free product removal.

At sites where investigations under § 280.62(a)(6) indicate the presence of free product, owners and operators must remove free product to the maximum extent practicable as determined by the implementing agency while continuing, as necessary, any actions initiated under §§ 280.61 through 280.63, or preparing for actions required under §§ 280.65 through 280.66. In meeting the requirements of this section, owners and operators must:

(a) Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site, and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable local, state, and federal regulations;

(b) Use abatement of free product migration as a minimum objective for the design of the free product removal system;

(c) Handle any flammable products in a safe and competent manner to prevent fires or explosions; and

(d) Unless directed to do otherwise by the implementing agency, prepare and submit to the implementing agency, within 45 days after confirming a release, a free product removal report that provides at least the following information:

(1) The name of the person(s) responsible for implementing the free product removal measures;

(2) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes, and excavations;

(3) The type of free product recovery system used;

(4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;

(5) The type of treatment applied to, and the effluent quality expected from, any discharge;

(6) The steps that have been or are being taken to obtain necessary permits for any discharge; and

(7) The disposition of the recovered free product.

§ 280.65 Investigations for soil and groundwater cleanup.

(a) In order to determine the full extent and location of soils contaminated by the release and the presence and concentrations of dissolved product contamination in the groundwater, owners and operators must conduct investigations of the release, the release site, and the surrounding area possibly affected by the release if any of the following conditions exist:

(1) There is evidence that groundwater wells have been affected by the release (*e.g.*, as found during release confirmation or previous corrective action measures);

(2) Free product is found to need recovery in compliance with § 280.64;

(3) There is evidence that contaminated soils may be in contact with groundwater (*e.g.*, as found during conduct of the initial response measures or investigations required under §§ 280.60 through 280.64); and

(4) The implementing agency requests an investigation, based on the potential effects of contaminated soil or groundwater on nearby surface water and groundwater resources.

(b) Owners and operators must submit the information collected under paragraph (a) of this section as soon as practicable or in accordance with a schedule established by the implementing agency.

§ 280.66 Corrective action plan.

(a) At any point after reviewing the information submitted in compliance with §§ 280.61 through 280.63, the implementing agency may require owners and operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater. If a plan is required, owners and operators must submit the plan according to a schedule and format established by the implementing agency. Alternatively, owners and operators may, after fulfilling the requirements of §§ 280.61 through 280.63, choose to submit a corrective action plan for responding to contaminated soil and groundwater. In either case, owners and operators are responsible for submitting a plan that provides for adequate protection of human health and the environment as determined by the implementing agency, and must modify their plan as necessary to meet this standard.

(b) The implementing agency will approve the corrective action plan only after ensuring that implementation of the plan will adequately protect human health, safety, and the environment. In making this determination, the implementing agency should consider the following factors as appropriate:

(1) The physical and chemical characteristics of the regulated

substance, including its toxicity, persistence, and potential for migration;

(2) The hydrogeologic characteristics of the facility and the surrounding area;

(3) The proximity, quality, and current and future uses of nearby surface water and groundwater;

(4) The potential effects of residual contamination on nearby surface water and groundwater;

(5) An exposure assessment; and

(6) Any information assembled in compliance with this subpart.

(c) Upon approval of the corrective action plan or as directed by the implementing agency, owners and operators must implement the plan, including modifications to the plan made by the implementing agency. They must monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and in a format established by the implementing agency.

(d) Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil and groundwater before the corrective action plan is approved provided that they:

(1) Notify the implementing agency of their intention to begin cleanup;

(2) Comply with any conditions imposed by the implementing agency, including halting cleanup or mitigating adverse consequences from cleanup activities; and

(3) Incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the implementing agency for approval.

§ 280.67 Public participation.

(a) For each confirmed release that requires a corrective action plan, the implementing agency must provide notice to the public by means designed to reach those members of the public directly affected by the release and the planned corrective action. This notice may include, but is not limited to, public notice in local newspapers, block advertisements, public service announcements, publication in a state register, letters to individual households, or personal contacts by field staff.

(b) The implementing agency must ensure that site release information and decisions concerning the corrective action plan are made available to the public for inspection upon request.

(c) Before approving a corrective action plan, the implementing agency may hold a public meeting to consider comments on the proposed corrective action plan if there is sufficient public interest, or for any other reason.

(d) The implementing agency must give public notice that complies with paragraph (a) of this section if implementation of an approved corrective action plan does not achieve the established cleanup levels in the plan and termination of that plan is under consideration by the implementing agency.

Subpart G—Out-of-Service UST Systems and Closure

§ 280.70 Temporary closure.

(a) When an UST system is temporarily closed, owners and operators must continue operation and maintenance of corrosion protection in accordance with § 280.31, and any release detection in accordance with subparts D and K of this part. Subparts E and F of this part must be complied with if a release is suspected or confirmed. However, release detection and release detection operation and maintenance testing and inspections in subparts C and D of this part are not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system. In addition, spill and overfill operation and maintenance testing and inspections in subpart C of this part are not required.

(b) When an UST system is temporarily closed for 3 months or more, owners and operators must also comply with the following requirements:

(1) Leave vent lines open and functioning; and

(2) Cap and secure all other lines, pumps, manways, and ancillary equipment.

(c) When an UST system is temporarily closed for more than 12 months, owners and operators must permanently close the UST system if it does not meet either performance standards in § 280.20 for new UST systems or the upgrading requirements in § 280.21, *except that* the spill and overfill equipment requirements do not have to be met. Owners and operators must permanently close the substandard UST systems at the end of this 12-month period in accordance with §§ 280.71 through 280.74, *unless* the implementing agency provides an extension of the 12-month temporary closure period. Owners and operators must complete a site assessment in accordance with § 280.72 before such an extension can be applied for.

§ 280.71 Permanent closure and changes-in-service.

(a) At least 30 days before beginning either permanent closure or a change-in-service under paragraphs (b) and (c) of this section, or within another reasonable time period determined by the implementing agency, owners and operators must notify the implementing agency of their intent to permanently close or make the change-in-service, *unless* such action is in response to corrective action. The required assessment of the excavation zone under § 280.72 must be performed after notifying the implementing agency but before completion of the permanent closure or a change-in-service.

(b) To permanently close a tank, owners and operators must empty and clean it by removing all liquids and accumulated sludges. All tanks taken out of service permanently must: be removed from the ground, filled with an inert solid material, or closed in place in a manner approved by the implementing agency.

(c) Continued use of an UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, owners and operators must empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment in accordance with § 280.72.

Note to § 280.71. The following cleaning and closure procedures may be used to comply with this section:

(A) American Petroleum Institute Recommended Practice RP 1604, "Closure of Underground Petroleum Storage Tanks";

(B) American Petroleum Institute Standard 2015, "Safe Entry and Cleaning of Petroleum Storage Tanks, Planning and Managing Tank Entry From Decommissioning Through Recommissioning";

(C) American Petroleum Institute Recommended Practice 2016, "Guidelines and Procedures for Entering and Cleaning Petroleum Storage Tanks";

(D) American Petroleum Institute Recommended Practice RP 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks," may be used as guidance for compliance with this section;

(E) National Fire Protection Association Standard 326, "Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair"; and

(F) National Institute for Occupational Safety and Health Publication 80–106, "Criteria for a Recommended Standard . . . Working in Confined Space" may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.

§ 280.72 Assessing the site at closure or change-in-service.

(a) Before permanent closure or a change-in-service is completed, owners

Drouare, Douglas

From: Drouare, Douglas
Sent: Wednesday, July 29, 2015 2:16 PM
To: mark.junker@sacfoxenviro.org
Cc: Groskinsky, Brenda; Morris, Jennifer; Whitney Bynum; Raymond Bosch; Stockdale, Margaret
Subject: RE: Thanks, Feedback, and name for contact

Categories: EZ Record - Shared

Thanks for the update Mark. It sounds like you have recovered some additional fuel since the last time we spoke. I believe you previously said that 1,400 gallons were unaccounted for. Sounds like that is down to 400 gallons now. That is good news. Our initial letter regarding LUST responsibility should be going out the door in the mail tomorrow. I will e-mail you a copy as soon as it is ready.

Douglas E. Drouare, CPG
USEPA, Region 7, AWMD - STOP
11201 Renner Boulevard
Lenexa, Kansas 66219
(913) 551-7299
drouare.douglas@epa.gov

From: Morris, Jennifer
Sent: Wednesday, July 29, 2015 1:33 PM
To: mark.junker@sacfoxenviro.org
Cc: Groskinsky, Brenda; Drouare, Douglas
Subject: Thanks, Feedback, and name for contact

Mark,

Thank you for your timely report and for the update on the Fuel Station Response to the spill. I am glad you are receiving the technical assistance necessary from Doug Druare and Megan Schutte.

The research you are doing sounds very interesting. I would like to visit with you sometime today to clarify roles and responsibilities as you provide assistance to the Fuel Station in response to the spill. I feel sure that you recognize your role as one of independent oversight as the response goes forward. I know that in last week's training about spill response, you saw the importance of making the distinction between your role (or EPA Superfund Role) and the role of the Responsible Party. You are providing tech assistance and facilitating the advice from others who are providing assistance to the RP. The RP is following their spill plan, using insurance to cover costs of cleanup, or accessing national funds for tank cleanups and may need guidance about what standards to use for cleanup. Where federal rules do not specify a standard, you as the TRP program can establish a standard, oversee the cleanup and verify it has been completed.

I think it is possible that someone who is not aware of our recent training and discussions might misunderstand when you refer to "I" and "we" regarding procedures to clean up and/or safely reclaim product and perceive you as a decision maker on-scene for the Responsible Party. I know you are aware of the limits of your role in the Tribal Response Program and the importance of maintaining an independent oversight/tech assistance function. Perhaps when preparing a report about this or other such spills in the future, avoid using pronouns (especially the Royal We) and stick with terms like the Responsible Party or the Tribal Response Program, the TRP, and reserve I for personal action as the TRP representative.

(No need to rewrite this email, I am just providing this summary for the records so the grant file documents our understanding.)

The contact for the Regional Science Liaison in Brenda Groskinsky. Her contact info is Groskinsky.Brenda@epa.gov; 913-551-7188

As I mentioned, she is an Office of Research and development employee assigned to the Region to ensure ORD research is beneficial and useful for application in the Regions. She is also currently the Acting Chair of the National Tribal Science Council, representing EPA. They have had a focus recently on climate change and adaptation issues in Indian Country. I believe she would be helpful in discussing your presentation on the impact of Climate Change on the water tables and how fluctuation impacts remediation and risk models based on stable groundwater levels. She is familiar with Doug Cluck from NOAA with whom you mentioned working and she might have a good contact or two for you to explore at the USGS. She might also be interested in your theory about what led to the catastrophic tank failure last week and possible similarities with one in Tonganoxie. Occasionally ORD seeks research recommendations. Feel free to ask her if this is something that might be of interest for further research by the agency.

As far as other things to do, barring some potential risk of failure of other tanks per your theory, the immediate risk to health is passed and the risk to the environment is contained. It seems you have a responsive Responsible Party who is actively working to remediate the problem. I would stay engaged with the technical contacts at EPA and stay engaged to determine whether or not the TRP needs to establish a cleanup standard and to certify the cleanup is completed. Now is a good time to pull out you SOP for spill response and see if there is anything you want to update, revise, or elaborate on given the new experiences here. You may also want to look at what potential compliance assistance or outreach needs may be needed to prevent spills (and possible contamination that would impair future reuse.) Also identify any gaps in your knowledge and in program response authorities (assisters from EPA and KDHE etc) that inhibited your ability to respond or inhibited the ability of the responsible party to move forward. By identifying these gaps you can target these for work in the next workplan capacity development.

Sounds like things are on track. I am glad you were available to provide tech assistance at the start of the incident, especially including the need to contact the spill line. That advice likely will benefit the RP significantly because had they not done it there might have been unintended consequences.

Thanks for keeping me in the loop. I am in today so feel free to call me if you want to discuss anything!

Jennifer Morris

From: M.Junker [mailto:mark.junker@sacfoxenviro.org]
Sent: Wednesday, July 29, 2015 11:36 AM
To: Morris, Jennifer
Subject: quarterly-etc

Good morning,
I am attaching the quarterly, revised work plan and budget narrative and thought I would give you a brief run down on what has been happening with the tank at the Truck Stop.

The spill occurred in a 15,000 gallon tank containing mid grade (87 octane) gasoline. This tank was attached via a manifold to 12,000 gallon tank. It was at first estimated the spill was in the neighborhood of 5,000 gallons. It is believed that the tank failed catastrophically and that hydraulic pressure underneath the tank had caused a breach which allowed water and gravel to enter the tank. This was tentatively confirmed by a camera probe used to inspect the tank on July 27.
On the 28th we received laboratory data for the contents of the frac tank from Robert Trump of Total Petroleum Service and Pace Labs that was brought in immediately following the incident. The results

were pretty consistent with what we expected. The gas had separated from the water and we almost 2400 gallons of fuel that can be treated for regular use.
The water contains Benzene, Toluene, Ethylbenzene and Xylene which we hope can be adsorbed with activated carbon. So we have a bit of an outline for how we are going to proceed.

I am no expert so I have been researching the use of the activated carbon while the video data is processed at Tankology headquarters in Austin, TX. The EPA has a technical bulletin for selecting adsorbtion systems and I am wading through it. We should know next week the full extent of the tank failure and the cost of using the activated carbon to treat the waste water.

I am currently working with Doug Drouare from EPA and Megan Schutte from KDHE and keeping them in loop. The good news is that right now it looks like we only have about 400 gallons of fuel unaccounted for at this time and we believe most of that is within the confines of the tank cavity.

I am really interested in pursuing some more information about the tank with lady you referred to last week. I heard about a recent spill in Toganoxie that may have been caused by similar factors. If you can think of anything I need to or should do please let me know.

Thanks and have a great afternoon.

Mark Junker
Tribal Response Coordinator
Sac & Fox Nation Of Missouri in Kansas and Nebraska
(785) 742-4706

U.S. Environmental Protection Agency
Region 7
11201 Renner Blvd., Lenexa, KS 66219

NOTICE OF INSPECTION

Resource Conservation and Recovery Act (RCRA) Public Law 94-580, as amended.
Subtitle I Underground Storage Tanks

Date **26 Sept. 2013** Login Required: YES NO	Inspector **M. Pomes & W. Bynum**	Facility Name **Sac & Fox Truck Stop**
EPA/State ID# **Tribal**		Street Address **1346 Highway 75**
Facility Representative(s) **Theresa Armbruster**		City **Powhattan**
Phone # **(785) 467-5354**		State **Kansas** Zip Code **66527**

Reason for Inspection: 40 CFR Part 280 **Entry by** **Consent (X)** **Warrant ( )**
To determine the extent of compliance with the above referenced law, which may require the collection of samples, documents and/or photographs.

Other (Specify)_____

Documents and/or Photos collected (describe below)

The facts established by this inspection will be reviewed by personnel in the EPA Regional Office. A final determination of your facility's compliance with the EPA regulations will be made as a result of this review. The review may reveal additional violations.

Facility Representative:	**Signature of Inspector:**	**Date:**
See original	See original	

Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

Underground Storage Tank (UST) Inspection Form

INSPECTOR NAME(S): M. Pomes and W. Bynum DATE: 26 September 2013 ICIS#: 44711

I. Location of Tank(s) Tribal

Facility Name: Sac & Fox Truck Stop

Street Address: 1346 Highway 75

City: Powhattan State: KS Zip: 66527

County: Brown

Phone Number: (785)467-5354 FAX:

Contact Person: Theresa Armbruster

II. Ownership of Tank(s) Same as location (I.)

Owner Name: Sac & Fox Nation

Street Address: 305 North Main

City: Reserve State: KS Zip: 66434

County: Brown

Phone Number: (785)742-3785 FAX:

Contact Person:

IIA. Ownership of Other Facilities

Do you own other UST Facilities **YES** NO

If YES, How many Facilities ***1 (2 Facilities Total)*** How many UST's ***4 (10 USTs Total)***

III. Notification (280.22)

Notification to implementing agency: **Yes** No State: **Kansas**

State Facility ID# _____

IV. Financial Responsibility (280.90) not available/none

State Fund
Guarantee
Local Government

Surety Bond
Self Insured

Private Insurance: ***Policy# 4877229 (Zurich)***
Letter of Credit
Not Required (Fed./State/Haz. Sub) _____

V. Release History (280.50) Yes **No**

To you knowledge, are there any public or private Drinking Water Wells in the vicinity? **Yes No**

Evidence of release or spills at facility
Greater than 25 gallons (estimate)
Releases reported to implementing agency; Date: _____
Initial abatement measures and site characterization
Soil or ground water contamination

Remediation ongoing
Free product removal
Corrective action plan submitted
Remediation completed; NFA; Date:_____

NOTES:

The Certificate of Insurance Storage Tank Systems received at the time of inspection expired as of 11 October 2012.

Init/Date: _____

VI. Tank Information Tank No.	1	2	3	4	5	6
Tank presently in use	Yes	Yes	Yes	Yes	Yes	Yes
If not, date last used						
If empty, verify 1" or less of product in tank						
Capacity of Tank (gallons)	8,000	7,000	15,000	10,000	12,000	12,000
Substance Stored	UL-Premium	UL-Regular	UL(North)-Midgrade	Diesel (West)	UL(South)-Midgrade	Diesel (East)
M/Y Tank Installed/Upgraded	1998	1998	1998	1998	1998	2005
Tank Construction: Steel, STI-P3, ACT 100, FRP CP - sacrificial, Impressed current Interior lining, Vaulted, Double wall	FRP	FRP	FRP	FRP DW??	FRP	FRP
Spill Prevention **280.20(c)(i)**	Spill bucket	Spill bucket	Spill bucket	Spill bucket	Spill bucket	Spill bucket
Overfill (auto, ball float, alarm) **280.20(c)(ii)**	Ball float	Ball float	Ball float	Ball float	Ball float	????
Specialize Configuration: Compartment, Manifolded (indicate tanks)			Manifolded Tanks 3 & 5	Manifolded Tanks 4 & 6	Manifolded Tanks 3 & 5	Manifolded Tanks 4 & 6

VII. Piping Information

	Pres.	Pres.	Pres.	Pres.	Pres.	Pres.
Piping type: **Pres.** Suc. Safe Suc.						
Piping construction: Steel, FRP, Flex. CP - Sacrificial, Impressed current Double wall(DW)	FRP	FRP	FRP	FRP	FRP	FRP

Tank and Piping Notes:
Liquid was present in the spill bucket for Tanks 1, 3, 4 and 6.
No drop tubes present in Tanks 3, 5 and 6.

VIII. Corrosion Protection 280.20(a)(2) N/A

Interior Lining (date of last inspection) **280.21(b)(1)**						
CP – Sacrificial (date of last inspection) **280.31(b)(1)**						
CP – Impressed current (date of last inspection) **280.31(b)(1)**						
Rectifier log (Y/N) (date of last reading) **280.31(c)**						

CP Notes:

CP measurements recorded on "SITE DRAWING"

Initials/Date _____

Tank No.	1	2	3	4	5	6
IX. Emergency Power Generator (Y/N)	No	No	No	No	No	No
X. Release Detection (280.40)						
Tank RD Methods	N/A					
ATG **280.43(d)**	X	X	X	X	X	X
Interstitial **280.43(g)**						
SIR **280.43(h)**						
Groundwater **280.43(f)**						
Vapor **280.43(e)**						
Inventory Control w/TTT **280.43(a)**						
MTG **280.43(b)**						
MTG w/TTT **280.43(b)(5)**						
Last 12 months RD records (Y/N) **280.45**	No	No	No	No	No	No

Tank RD Notes:

- The facility's Veeder Root TLS-350 ATG was operational at the time of inspection.
- Inspectors were only able to retrieve passing CSLD test for September 2013.
- No sump sensor was present for Tanks 5 (Unleaded: Midgrade-South) and 6 (Diesel-East).

Piping RD Methods		N/A					
ATG	**280.44(c)**						
Interstitial	**280.44(c)**						
SIR	**280.44(c)**						
Groundwater	**280.44(c)**						
Vapor	**280.44(c)**						
Last 12 months records (Y/N)	**280.45**						
MLLD - Present (model)	**280.44(a)**	XLP	FXiV	FXiV	FE Petro	FXiV	FXiV
Date of last function test:	**280.44(a)**	??	??	??	??	??	??
Date of last annual LTT:	**280.44(b)**	??	??	??	??	??	??
monthly records:	**280.44(c)**						
ELLD - Present (model)	**280.44(c)**						
Last 12 months RD records (Y/N)	**280.45**						

Piping RD Notes:

Liquid was present in the sump pit for Tank 6 (Diesel-East)

Initial/Date _____

XI. Repairs 280.33 N/A

Repaired tanks and piping are tightness tested within 30 days of repair completion	Y	N	N/A
CP systems are tested/inspected within 6 months of repair of any cathodically protected UST system	Y	N	N/A
Records of repairs are maintained	Y	N	N/A

XII. Temporary Closure 280.70(a) N/A

CP continues to be maintained		Y	N	N/A
Tank has less than one inch of product		Y	N	N/A
If not, release detection is conducted		Y	N	N/A
Cap and secure all lines, pumps, manways	Fill tubes	Y	N	N/A
	Pumps	Y	N	N/A
	Dispensers	Y	N	N/A
	Monitoring wells	Y	N	N/A

NOTES:

Initial/Date _____

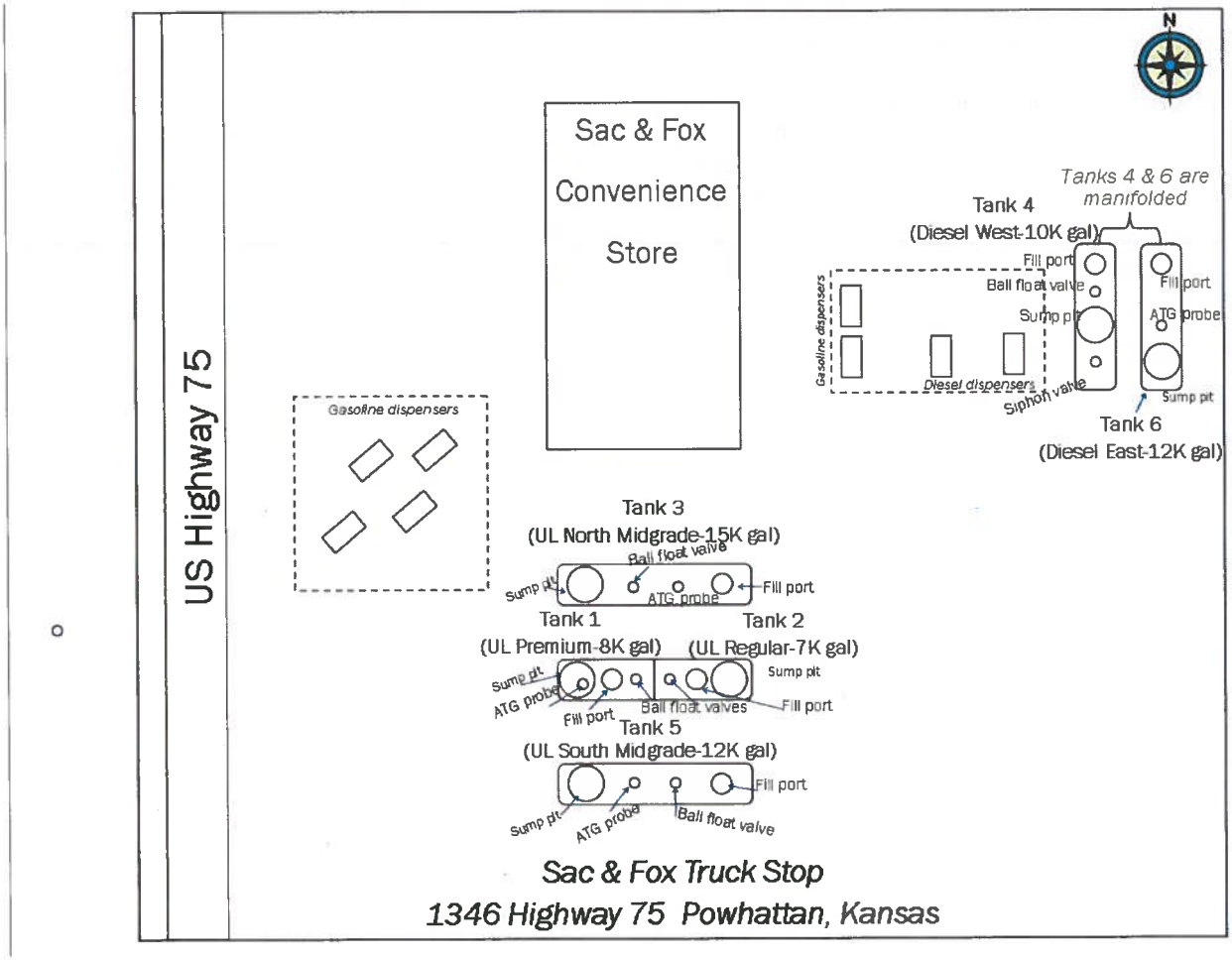
∞ SITE DRAWING ∞

Date: 26 September 2013 **Time on Site:** 12:00pm **Time off Site:** 2:24pm

Weather: Sunny

ENVIRONMENTALLY SENSITIVE AREA: Yes **No**

If "Yes" please describe:



CP Testing: YES **NO** Sacrificial Impressed

Location of tank contact:

half cell:

Measured Vlt at Tank:

Pipe:

Pictures (see attached) **Yes** No

Initial/Date _____

UNITIED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)

Region 7
Storage Tanks and Oil Pollution (STOP) Branch
11201 Renner Blvd.
Lenexa, KS 66219

Inspector Observation Report

Inspection of Underground Storage Tanks (UST's)

☐ No compliance issues observed at the conclusion of this inspection	Name of Facility/Address: Sac & Fox Truck Stop 1346 Highway 75, Powhattan, KS 66527

The above named facility was inspected by a duly authorized representative of EPA Region 7, and the following are the inspector's observations and/or recommended action(s):

Observations/Recommendations:

Regulatory Citation	Description
280.20(c)(i)	Liquid in spill buckets
280.44(a)	No function test available
280.44(b)	No annual line tightness test available
280.45	Twelve months of release detection records not available
280.43(g)	No sump sensor on Tank 6(Diesel-East) and Tank 5 (UL-Midgrade South)
280.	

Actions Taken:

Field Citation, # _____ Additional information required On-site request/Due date: _____

Other observations:

- Liquid in submersible pump pits for Diesel-East (Tank 6) and South UL-Midgrade (Tank 5)
- No drop tubes in Tanks 3, 5 and 6

Name of EPA Inspector or Representative

Michael Pomes
(Please print)

See Original
(Signature)

See Original
(Credential Number)

Acknowledgment of Receipt: Inspection Observations

See original
(Signature of Facility Representative)

26 September 2013 2:24 PM
Date of Inspection Time AM/PM

Initial/Date _____

Photo Documentation Log

Underground Storage Tank Inspection

Facility Name: Sac and Fox Truck Stop — Location (City/State): Powhattan, Kansas

Date Photos Taken: 26 September 2013 — Photographer: Michael Pomes

Photo No.	Time	Direction	Description
1	1208	Inside	Veeder Root TLS-350—Operational
2	1245	NE	Sac and Fox Truck Stop Facility from US Highway 75
3	1246	E	Gasoline Tank Basin
4	1248	Down	North UL-Midgrade sub pump and MLD
5	1249	Down	North UL-Midgrade ATG probe
6	1250	Down	North UL-Midgrade ball float valve riser
7	1251	Down	North UL-Midgrade spill bucket, liquid, no drop tube
8	1253	Down	Unleaded sub pump, MLD, ATG probe
9	1254	Down	Unleaded spill bucket, debris, fill, coaxial drop tube
10	1256	Down	Unleaded ball float valve riser
11	1257	Down	Unleaded-Premium ball float valve riser
12	1258	Down	Unleaded-Premium spill bucket, water, coaxial drop tube
13	1259	Down	Unleaded-Premium sub pump, MLD, ATG probe
14	1309	Down	South UL-Midgrade spill bucket, debris, no drop tube
15	1311	Down	South-UL-Midgrade ball float valve riser
16	1312	Down	South UL-Midgrade ATG probe
17	1312	Down	South UL-Midgrade sub pump, MLD, contained sump
18	1317	Inside	Dispenser 3/4, booted flexes
19	1320	Inside	Dispenser 5/6, piping wet above the fire valve (for UL-Premium
20	1334	NW	Diesel tank basin from SE corner of pad
21	1339	Down	West diesel fill, spill bucket, debris, liquid, tube
22	1341	Down	West diesel ball float valve riser
23	1342	Down	West diesel sub pump sump, ATG probe, MLD
24	1346	Down	West Diesel interstitial monitor probe (phone)
25	1352	Down	East Diesel sub pump, liquid, MLD
26	1354	Down	East Diesel ATG probe
27	1356	Down	East Diesel fill, spill bucket, liquid, no tube (phone)
28	1402	Inside	Diesel #3 dispenser, slave #2 (phone)
29	1408	Inside	Diesel #2 dispenser, slave #1 (phone)

Initial/Date _____

U.S. Environmental Protection Agency
Region 7 AWMD/STOP

UST PHOTOGRAPHIC LOG

Facility Location: Sac & Fox Truck Stop, 1346 HWY 75, Powhattan, Kan.	**Photographer:** Michael L. Pomes	**Camera:** Canon Powershot SD 1300 IS, #092064146322

Dates Photographs Were Taken: 9/26/2013

Photo No.	**Time:**
1	1208

Direction Photo Taken: Inside

Photo Description:

Operational Veeder Root TLS-350 ATG.

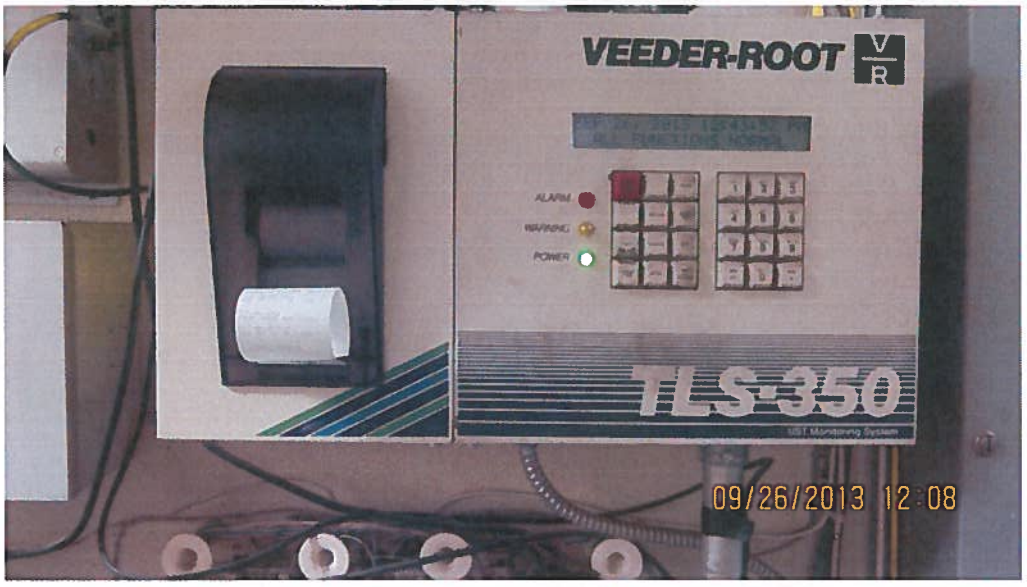


Photo No.	**Time:**
2	1245

Direction Photo Taken: Northeast

Photo Description:

Sac & Fox Truck Stop facility from US HWY 75.

Photographer: Michael L. Pomes	
Photo No. 3	**Time:** 1246
Direction Photo Taken: East	
Photo Description: Gasoline tank basin, from left to right, North Midgrade E10 gasoline (Tank 3), Premium gasoline (Tank 1) [center front], Regular unleaded gasoline (Tank 2) [center rear], and South Midgrade E10 gasoline (Tank 5).	

Photo No. 4	**Time:** 1248
Direction Photo Taken: Down	
Photo Description: North Midgrade (Tank 3) submersible pump sump and Veeder Root FX1V MLD.	

Photographer: Michael L. Pomes	
Photo No. 5	**Time:** 1249
Direction Photo Taken: Down	
Photo Description: North Midgrade (Tank 3) ATG probe.	

Photo No. 6	**Time:** 1250
Direction Photo Taken: Down	
Photo Description: North Midgrade (Tank 3) ball float valve riser.	

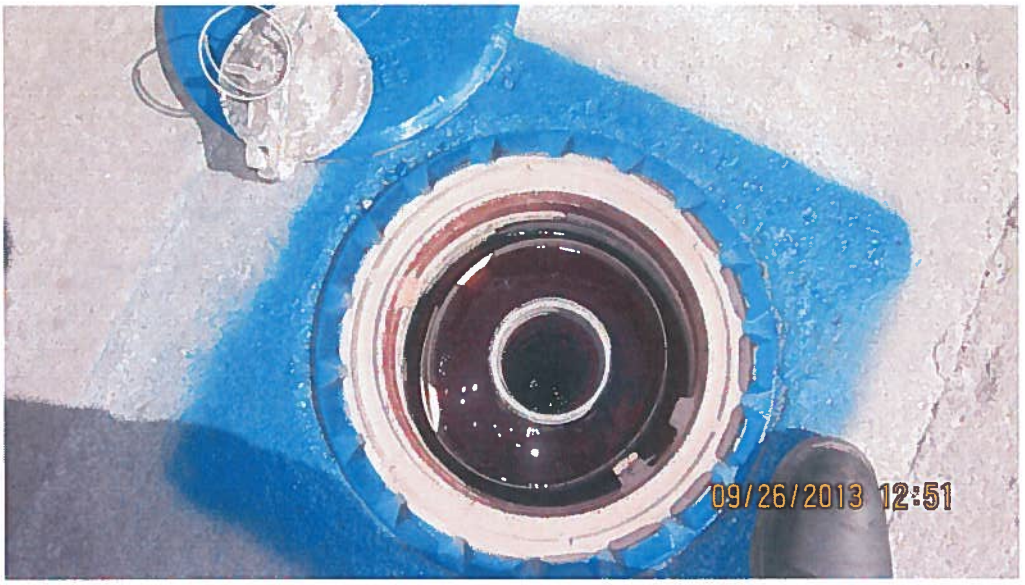
Photographer: Michael L. Pomes	
Photo No. 7	**Time:** 1251
Direction Photo Taken: Down	
Photo Description: North Midgrade (Tank 3) spill bucket with water. Tank fill has no drop tube.	

Photo No. 8	**Time:** 1253
Direction Photo Taken: Down	
Photo Description: Regular unleaded (Tank 2) submersible pump sump and ATG probe. Red Jacket FX1V MLD used for pressure lines leak detection.	

Photographer: Michael L. Pomes	
Photo No. 9 / **Time:** 1254	
Direction Photo Taken: Down	
Photo Description: Regular unleaded (Tank 2) spill bucket with debris and coaxial drop tube in tank fill riser.	

Photo No. 10 / **Time:** 1256	
Direction Photo Taken: Down	
Photo Description: Regular unleaded (Tank 2) ball float valve riser.	

Photographer: Michael L. Pomes	
Photo No. 11	**Time:** 1257
Direction Photo Taken: Down	
Photo Description: Premium (Tank 1) ball float valve riser.	

Photo No. 12	**Time:** 1258
Direction Photo Taken: Down	
Photo Description: Premium (Tank 1) spill bucket with liquid and coaxial drop tube in tank fill riser.	

Photographer:
Michael L. Pomes

Photo No.	Time:
13	1259

Direction Photo Taken:
Down

Photo Description:

Premium (Tank 1) submersible pump sump and ATG probe. Veeder Root FX1V MLD used for pressure lines leak detection.

Photo No.	Time:
14	1309

Direction Photo Taken:
Down

Photo Description:

South Midgrade (Tank 5) spill bucket and debris. The tank fill riser has no drop tube.

Photographer: Michael L. Pomes	
Photo No. 15 / **Time:** 1311	
Direction Photo Taken: Down	
Photo Description: South Midgrade (Tank 5) ball float valve riser.	

Photo No. 16 / **Time:** 1312	
Direction Photo Taken: Down	
Photo Description: South Midgrade (Tank 5) ATG probe.	

Photographer: Michael L. Pomes	
Photo No. 17	**Time:** 1312
Direction Photo Taken: Down	
Photo Description: South Midgrade (Tank 5) submersible pump sump. Veeder Root FX1V MLD used for pressure lines leak detection. The sump is contained.	

Photo No. 18	**Time:** 1317
Direction Photo Taken: Inside	
Photo Description: Piping with booted flex connectors inside cabinet for Dispenser 3/4.	

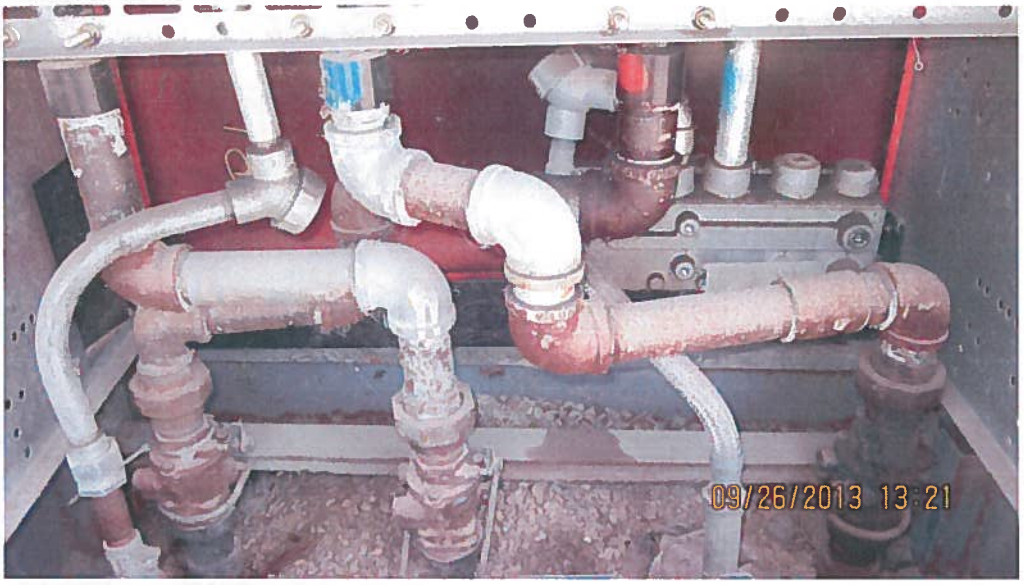
Photographer: Michael L. Pomes	
Photo No. 19	**Time:** 1321
Direction Photo Taken: Inside	
Photo Description: Wet premium piping inside cabinet of Dispenser 5/6. Flex connectors are booted.	

Photo No. 20	**Time:** 1334
Direction Photo Taken: Northwest	
Photo Description: Diesel tank basin from Southeast corner of cement pad. From left to right West Diesel (Tank 4) and East Diesel (Tank 6).	

Photographer:
Michael L. Pomes

Photo No.	**Time:**
21	1339

Direction Photo Taken:
Down

Photo Description:

West Diesel (Tank 4) spill bucket with debris and liquid. Tank fill riser has a drop tube.

Photo No.	**Time:**
22	1341

Direction Photo Taken:
Down

Photo Description:

West Diesel (Tank 4) ball float valve riser.

Photographer: Michael L. Pomes	
Photo No. 23 / **Time:** 1342	
Direction Photo Taken: Down	
Photo Description: West Diesel (Tank 4) submersible pump sump and ATG probe. Veeder Root FX1-type of MLD used for pressure lines leak detection.	

Photo No. 24 / **Time:** 1346	
Direction Photo Taken: Down	
Photo Description: West Diesel (Tank 4) interstitial monitor probe. Photo taken with Pomes' T Mobile myTouch Q cell phone.	

Photographer: Michael L. Pomes	
Photo No. 25	**Time:** 1352
Direction Photo Taken: Down	
Photo Description: East Diesel (Tank 6) submersible pump sump filled with liquid at the bottom. FE Petro MLD used for pressure lines leak detection.	

Photo No. 26	**Time:** 1354
Direction Photo Taken: Down	
Photo Description: East Diesel (Tank 6) ATG probe.	

Photographer:
Michael L. Pomes

Photo No.	Time:
27	1356

Direction Photo Taken:
Down

Photo Description:

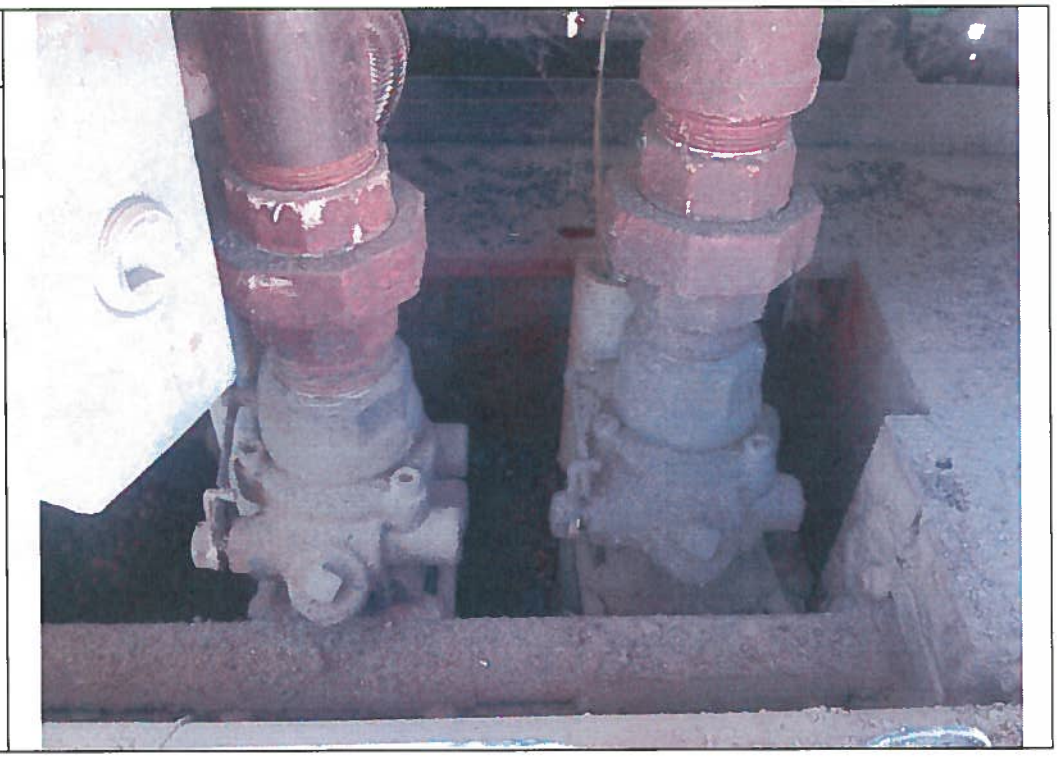
East Diesel (Tank 6) spill bucket with liquid and tank fill riser without drop tube. Photo taken with Pomes' T Mobile myTouch Q cell phone.

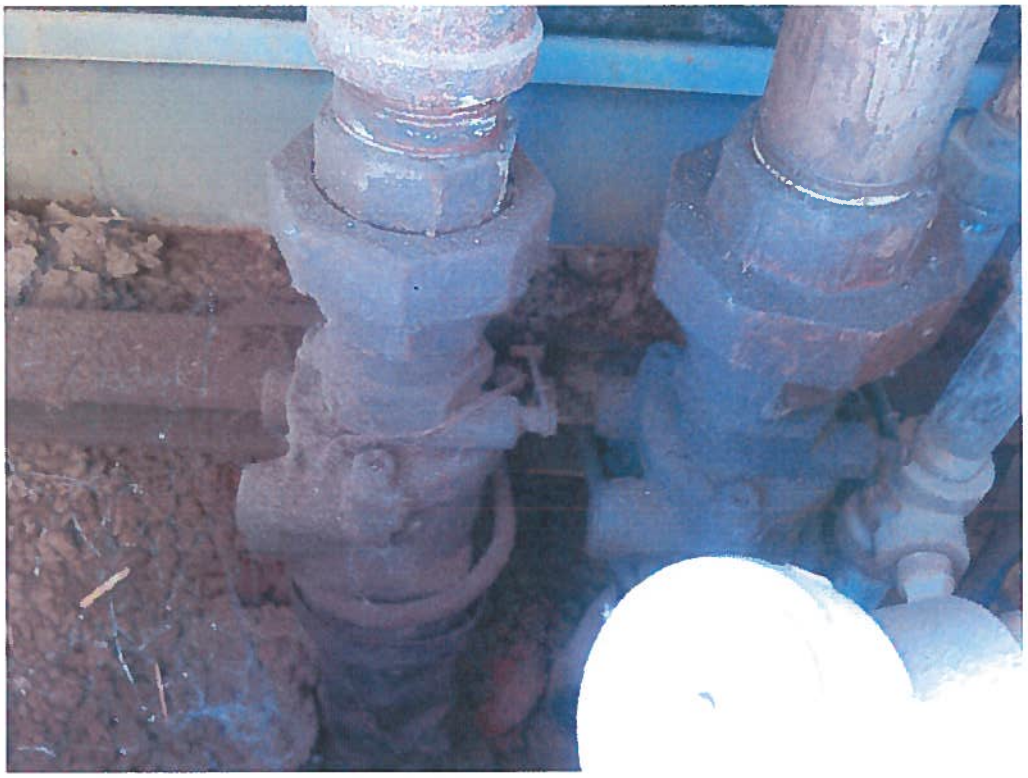
Photo No.	Time:
28	1402

Direction Photo Taken:
Inside

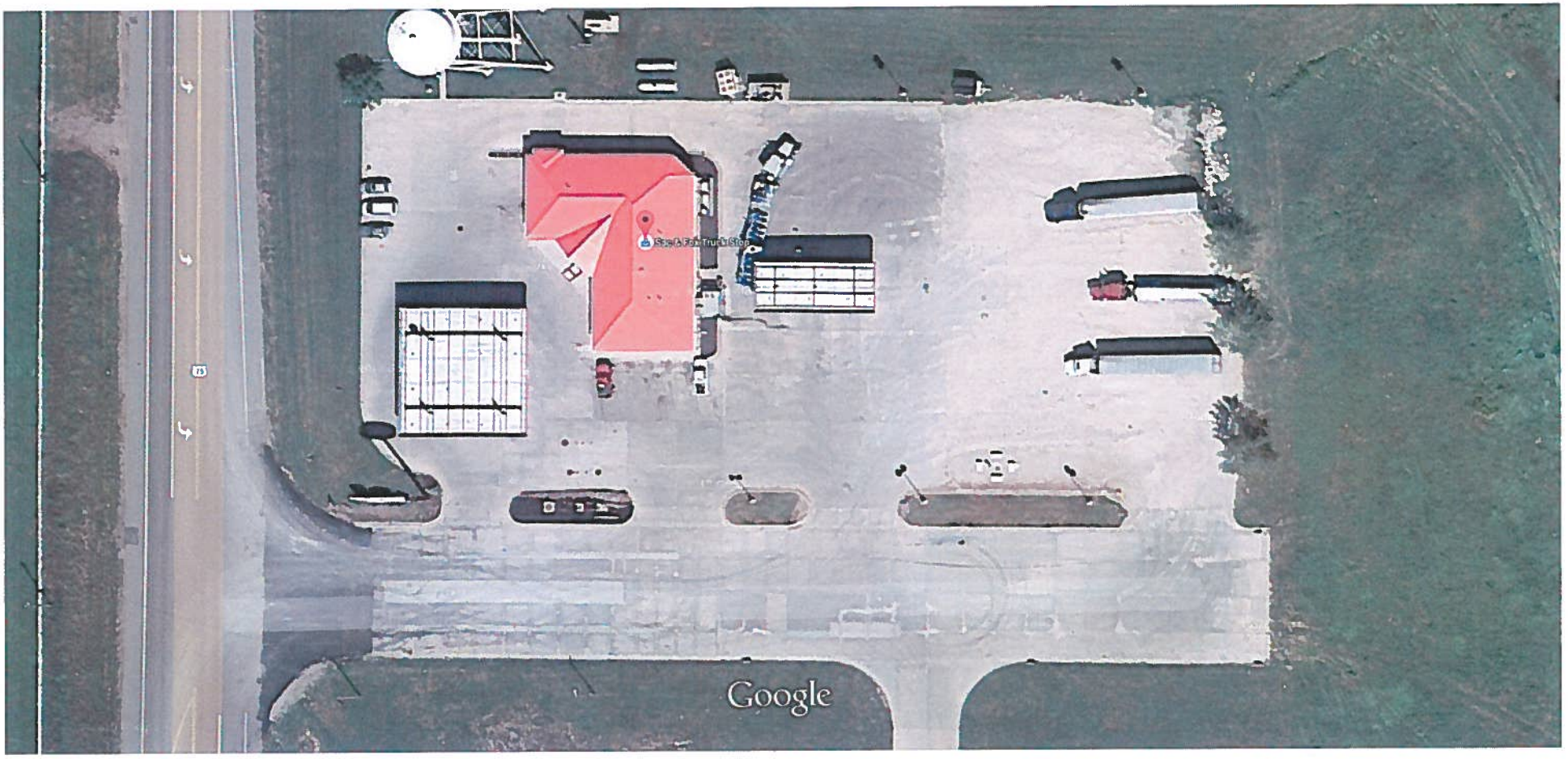
Photo Description:

Diesel Dispenser #3 and slave for Dispenser #2. Photo taken with Pomes' T Mobile myTouch Q cell phone.



Photographer: Michael L. Pomes	
Photo No. 29	**Time:** 1408
Direction Photo Taken: Inside	
Photo Description: Diesel Dispenser #2 and slave for Dispenser #1. Flex connectors are booted. Photo taken with Pomes' T Mobile myTouch Q cell phone.	

Google Sac & Fox Truck Stop




Map data ©2015 Google
20 ft

Google Sac & Fox Truck Stop

Sac & Fox Truck Stop
1346 US-75
Powhattan, KS 66527

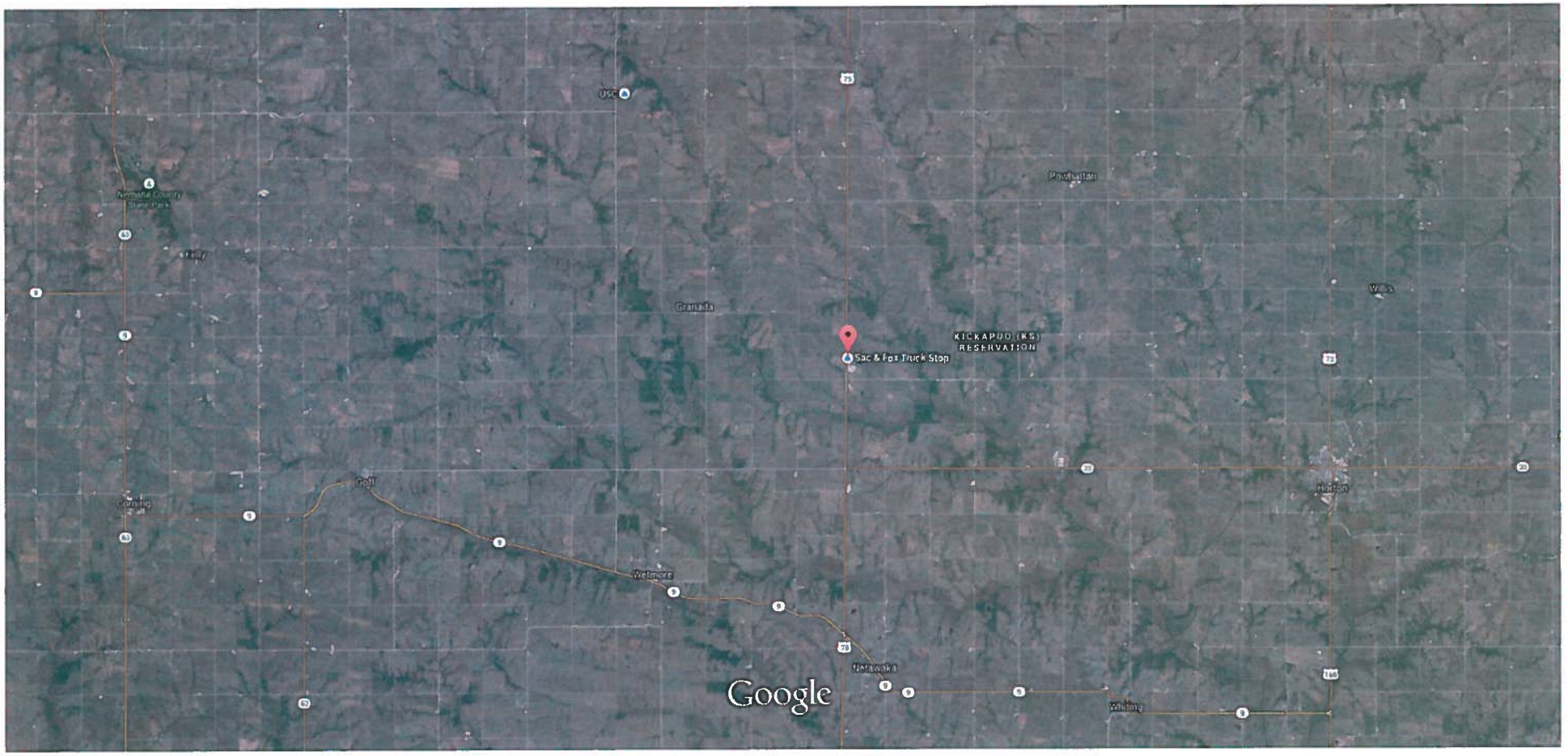
sacandfoxks.com
(785) 467-5354

2 reviews · Convenience Store

"Has hot dogs and **sandwiches**."

"Clean, tidy, **staff** was polite."

Google Sac & Fox Truck Stop



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Submit Action Report | Spill Summary Report

NATIONAL RESPONSE CENTER 1-800-424-8802
GOVERNMENT USE ONLYGOVERNMENT USE ONLY***
Information released to a third party shall comply with any
applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1123762

INCIDENT DESCRIPTION

*Report taken by: CIV BRENT TALIAFERRO at 16:48 on 24-JUL-15
Incident Type: STORAGE TANK
Incident Cause: EQUIPMENT FAILURE
Affected Area:
Incident occurred on 23-JUL-15 at 21:30 local incident time.
Affected Medium: LAND

REPORTING PARTY

Name: MARK JUNKER
Organization: SAC AND FOX NATION OF MISSOURI
Address: 305 N. MAIN
RESERVE, KS 66434

PRIMARY Phone: (785)7424706 ALTERNATE Phone: (816)2441555
Type of Organization: PRIVATE ENTERPRISE

Mark Junker
(785) 742-4706
(785) 742-7471 (alt)
(785) 742-2180 (fax)
mark.junker@sacfoxenviro.org

SUSPECTED RESPONSIBLE PARTY

Name: MARK JUNKER
Organization: SAC AND FOX NATION OF MISSOURI
Address: 305 N. MAIN
RESERVE, KS 66434
PRIMARY Phone: (785)7424706 ALTERNATE Phone: (816)2441555
Type of Organization: PRIVATE ENTERPRISE

INCIDENT LOCATION

1346 US 75 County: BROWN

City: POWHATAN State: KS

RELEASED MATERIAL(S)

CHRIS Code: GAS Official Material Name: GASOLINE: AUTOMOTIVE (UNLEADED)
Also Known As:
Qty Released: 1400 GALLON(S)

DESCRIPTION OF INCIDENT

CALLER REPORTED A CATASTROPHIC TANK FAILURE THAT CAUSED A RELEASE OF MATERIALS.

INCIDENT DETAILS

Description of Tank: STEEL
Tank Above/Below Ground: BELOW
Transportable Container: NO
Tank Regulated: UNKNOWN
Tank Regulated By:
Tank ID:
Capacity of Tank: 61000 GALLON(S)
Actual Amount:

IMPACT

Fire Involved: NO Fire Extinguished: UNKNOWN
INJURIES: NO Hospitalized: Empl/Crew: Passenger:

FATALITIES: NO Empl/Crew: Passenger: Occupant:
EVACUATIONS: NO Who Evacuated: Radius/Area:

Damages: NO

Closure Type	Description of Closure	Hours Closed	Direction of Closure
Air: N			
Road: N			Major Artery: N
Waterway: N			
Track: N			

Passengers Transferred: NO
Environmental Impact: UNKNOWN
Media Interest: UNKNOWN Community Impact due to Material:

REMEDIAL ACTIONS

VAC TRUCK USED, CLEAN UP UNDERWAY
Release Secured: YES
Release Rate:
Estimated Release Duration:

WEATHER

Weather: PARTLY CLOUDY, F

ADDITIONAL AGENCIES NOTIFIED

Federal:
State/Local:
State/Local On Scene:
State Agency Number:

NOTIFICATIONS BY NRC

CENTERS FOR DISEASE CONTROL (GRASP)
24-JUL-15 16:52 (770)4887100
CGIS RAO ST. LOUIS (COMMAND CENTER)
24-JUL-15 16:52 (314)2692420
COLORADO INFO ANALYSIS CENTER (FUSION CENTER)
24-JUL-15 16:52 (720)8526705
DHS PROTECTIVE SECURITY ADVISOR (PSA DESK)
24-JUL-15 16:52 (703)2355724
DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)
24-JUL-15 16:52 (202)3661863
U.S. EPA VII (MAIN OFFICE)
24-JUL-15 17:03 (913)2810991 BROWN
U.S. EPA VII (CRIMINAL INVESTIGATION DIVISION)
24-JUL-15 16:52 (913)2810991
FEMA REGION 7 (COORDINATION CENTER)
24-JUL-15 16:52 (816)2837577
IA U.S. ATTORNEY'S OFFICE (INTELLIGENCE OFFICER)
24-JUL-15 16:52 (515)4739345
KANSAS DEPT OF EMERGENCY MGMT (TECHNOLOGICAL HAZARDS)
24-JUL-15 16:52 (785)2741409
KANSAS INTEL FUSION CENTER (US DHS I&A, SLPO)
24-JUL-15 16:52 (307)2861092
NEBRASKA DEPT OF ENV QUALITY (MAIN OFFICE)
24-JUL-15 16:52 (402)4712186
NATIONAL INFRASTRUCTURE COORD CTR (MAIN OFFICE)
24-JUL-15 16:52 (202)2829201
NOAA RPTS FOR KS (MAIN OFFICE)
24-JUL-15 16:52 (206)5264911
NATIONAL RESPONSE CENTER HQ (AUTOMATIC REPORTS)
24-JUL-15 16:52 (202)2671136
DEPT HEALTH AND ENV (MAIN OFFICE)
24-JUL-15 16:52 (785)2961679

DOI/OEPC DENVER (MAIN OFFICE)
24-JUL-15 16:52 (303)4452500
USCG DISTRICT 8 (MAIN OFFICE)
24-JUL-15 16:52 (504)5896225

ADDITIONAL INFORMATION

*** END INCIDENT REPORT # 1123762 ***
Report any problems by calling 1-800-424-8802
PLEASE VISIT OUR WEB SITE AT http://www.nrc.uscg.mil

Close Window